

**DEPARTMENT OF STATE REVENUE**

**LETTER OF FINDINGS NUMBER: 00-0428P**

Sales Tax - Penalty  
For the Month Ended July 31, 2000

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**ISSUE(S)**

I. **Tax Administration** – Penalty

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer was assessed a late payment penalty. Taxpayer was two days late.

Taxpayer protests the penalty and requests a waiver.

I. **Tax Administration** –Penalty

**DISCUSSION**

Taxpayer states it had difficulties with its phone line during the second half of the day on Friday, August 18. When the Electronic Fund Transfer of the tax due the State of Indiana was completed on the following Monday, August 21, the funds could only have been taken out of its account on the following day, Tuesday, August 22. Taxpayer states that these circumstances were beyond its control and the assessment did not result from negligence or willful neglect. Taxpayer requests a waiver of the penalty.

A review of taxpayer's payment history indicates it had a late payment for the period ended May 2000. The Department waived the penalty based upon reasonable cause. Taxpayer was made aware that only the first penalty would be waived and it should assure that no further late payments are made. Consistent with statute, late payments are subject to a penalty. It is a Taxpayer's responsibility to assure all payments are timely.

The department finds that a negligence penalty is proper.

**FINDING**

Taxpayer's protest is denied.